


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 1] नई दिल्ली, शनिवार, मार्च 18, 1967/फल्गुना 27, 1888
No. 1] NEW DELHI, SATURDAY, MARCH 18, 1967/PHALGUNA 27, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 18th March, 1967:—

BILL No. 1 of 1967

A Bill to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Armed Forces (Special Powers) Short title Continuance Act, 1967.

5 Regulation 2 of 1958. 2. In section 1 of the Armed Forces (Special Powers) Regulation, 1958 (hereinafter referred to as the principal Regulation), for sub-section (4), the following sub-section shall be substituted, namely:—

10 of 1897. 10 “(4) It shall cease to have effect on the 5th day of April, 1968, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply in relation thereto as if it had then been repealed by a Central Act.”

3. Section 8 of the principal Regulation shall be omitted.

Omission of section 8.

STATEMENT OF OBJECTS AND REASONS

The Armed Forces (Special Powers) Regulation, 1958 (2 of 1958), was promulgated to confer special powers on officers of the Armed Forces to enable them to aid effectively the civil power in the disturbed areas of Kohima and Mokokchung Districts of the then Naga Hills Tuensang Area. The Regulation was initially for a duration of one year. It was extended from year to year having regard to the circumstances prevailing in those areas. In 1966, while extending the duration of the Regulation for another year, the Regulation was made applicable to the Tuensang District, of the State of Nagaland, also, thus covering the entire State of Nagaland. The Regulation will cease to have effect on the 5th April, 1967. It is proposed to provide for the continuance of the Regulation for a further period of one year, i.e., from the 5th April, 1967, to the 4th April, 1968, as the stage for dispensing with it has not yet been reached.

2. The Bill seeks to achieve the above object.

NEW DELHI;
The 6th March, 1967.

M. C. CHAGLA,

BILL NO. 2 OF 1967

A Bill further to amend the Representation of the People Act, 1951.

BILL NO. 3 OF 1967

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1967. Short title.

43 of 1951. 5 2. In section 73 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act),— Amendment of section 73.

(a) for the words, brackets, letter and figures “the date originally fixed for the completion of the election under clause (e) of section 30, the names of the members elected for

the various constituencies by that date", the following shall be substituted, namely:—

"the results of the elections in all the constituencies [other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30 or for which the time for completion of the election has been extended under the provisions of section 153] have been declared by the returning officer under the provisions of section 53 or, as the case may be, section 66, the names of the members elected for those constituencies";

(b) for clause (a) of the proviso, the following clause shall be substituted, namely:—

"(a) to preclude—

(i) the taking of the poll and the completion of the election in any Parliamentary or Assembly constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30; or

(ii) the completion of the election in any Parliamentary or Assembly constituency or constituencies for which time has been extended under the provisions of section 153; or".

Repeal
and
saving.

3. (1) The Representation of the People (Amendment) Ordinance, 1967, is hereby repealed.

2 of 1967.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 28th day of February, 1967.

STATEMENT OF OBJECTS AND REASONS

A lame duck session of Parliament with the old Lok Sabha summoned on the 13th of March, 1967 following the precedents of 1957 and 1962 was considered an anachronism in several quarters in view of the fact that declaration of results of elections from practically all the parliamentary constituencies barring a very few for the purpose of constituting the new Lok Sabha had already been made. It was felt that it would be more appropriate to hold a session of Parliament with the new Lok Sabha in place of the lame duck session. As Parliament was not in session and immediate action was called for, the President promulgated on the 28th February, 1967 the Representation of the People (Amendment) Ordinance, 1967 to amend suitably section 73 of the Representation of the People Act, 1951, thus paving the way for the Election Commission for the immediate issue of the due constitution notification under the said section as so amended.

The Bill seeks to replace the Ordinance.

NEW DELHI;
The 14th March, 1967.

P. GOVINDA MENON.

BILL No. 3 OF 1967

A Bill further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions of land under the said Act.

BE it enacted by Parliament in the Eighteenth Year of Republic of India as follows:—

Short
title.

1. This Act may be called the Land Acquisition (Amendment and Validation) Act, 1967.

Amend-
ment of
section
5A.

2. In section 5A of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in sub-section (2), for the words "submit the case for the decision of the appropriate Government, together with the record of the proceedings held by him and a report containing his recommendations on the objection.", the words, figures and brackets "either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the 5 1 of 1894. 10

appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government." shall be substituted.

3. In section 6 of the principal Act,—

Amend-
ment of
section 6.

5 (a) in sub-section (1),—

(i) after the words "certify its orders", the following shall be inserted, namely:—

" , and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made under section 5A, sub-section (2)";

15 (ii) for the words "Provided that", the following shall be substituted, namely:—

20 "Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1), published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, shall be made after the expiry of three years from the date of such publication:

Provided further that";

(b) in sub-section (2), for the words "The declaration", the words "Every declaration" shall be substituted.

25 4. (1) Notwithstanding any judgment, decree or order of any court to the contrary,—

Valida-
tion of
certain
acquisi-
tions.

1 of 1967.

30 (a) no acquisition of land made or purporting to have been made under the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, and no action taken or thing done (including any order made, agreement entered into, or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground—

35 (i) that one or more Collectors have performed the functions of Collector under the principal Act in respect of the land covered by the same notification under sub-section (1) of section 4 of the principal Act; or

(ii) that one or more reports have been made under sub-section (2) of section 5A of the principal Act, whether in

respect of the entire land, or different parcels thereof, covered by the same notification under sub-section (1) of section 4 of the principal Act; or

(iii) that one or more declarations have been made under section 6 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 4 of the principal Act in pursuance of one or more reports made under section 5A thereof;

(b) any acquisition in pursuance of any notification published under sub-section (1) of section 4 of the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into, or notification published), whether before or after such commencement, in connection with such acquisition shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), no declaration under section 6 of the principal Act in respect of any land which has been notified before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, under sub-section (1) of section 4 of the principal Act, shall be made after the expiry of two years from the commencement of the said Ordinance.

Repeal
and
saving.

5. (1) The Land Acquisition (Amendment and Validation) Ordinance, 1967, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 20th day of January, 1967.

STATEMENT OF OBJECTS AND REASONS

In acquisition of land for big projects, the practice generally followed under the Land Acquisition Act, 1894, is that a single notification is issued under section 4(1) of the Act which indicates that a particular area of land is needed or is likely to be needed for a public purpose. This is then followed by one or more declarations under section 6 of the Act in respect of the land specified in the aforesaid notification to the effect that such land is needed for a public purpose or for a company, as and when the plans are completed for the various stages of the project, e.g., plant, township and ancillary requirements.

2. In their Judgment dated 9th February, 1966 in the case, the State of Madhya Pradesh *Versus* Vishnu Prasad Sharma and others, the Supreme Court held that once a declaration under section 6 of the Act is issued whether it be in respect of a part of the land comprised in the notification under section 4(1) or in respect of the whole of it, the effect of initial notification is exhausted and no further declarations under section 6 of the Act are sustainable. In other words, Government cannot acquire land by means of successive declarations following the notification under section 4(1) in respect of a particular area. The Supreme Court has construed the acts done under sections 4, 5A and 6 of the Act as part and parcel of a single process.

3. The above decision of the Supreme Court, however, has the effect of upsetting a large number of proceedings for land acquisition for various public purposes throughout the country as in most cases of bigger projects, acquisition has been done in stages consistent with the requirements of the situation and a single notification under section 4(1) has been followed with more than one declaration under section 6 of the Act. It was not possible to reopen all such cases and to start proceedings afresh as it would have seriously dislocated projects for which land had been acquired and compensation paid.

4. Consequently, to overcome the adverse effect of the Supreme Court Judgment and in view of the urgency of the situation affecting many important projects, the Land Acquisition Act, 1894 was

amended with retrospective effect by the promulgation of the Land Acquisition (Amendment and Validation) Ordinance, 1967 on the 20th January, 1967 to provide for submission of either one report in respect of the land which has been notified under section 4(1) or different reports in respect of different parcels of such land to the appropriate Government containing the recommendations of the Collector(s) on the objections submitted by the interested persons under section 5A(1) of the Act to the acquisition of the land covered by the notification under section 4(1) or of any land in the locality, as the case may be. The Ordinance specifically provides that, if necessary, more than one declaration may be issued from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1) of the Act irrespective of the fact whether one report or different reports has or have been made under section 5A, sub-section (2) of the Act.

5. At the same time, care has been taken to ensure that land acquisition proceedings do not linger on for unduly long time. The aforesaid Ordinance, therefore, provides that no declaration under section 6 of the Act should be issued in respect of any particular land covered by a notification under section 4(1) published after the commencement of the Ordinance, after the expiry of three years from the date of such publication. In case of pending proceedings it has been provided that no declaration under section 6 of the Act in respect of any land which has been notified before the commencement of the above Ordinance, under sub-section (1) of section 4 of the Act may be issued after the expiry of two years from the commencement of the Ordinance.

6. It is necessary that the aforesaid Ordinance be converted into an Act of Parliament. The proposed Bill seeks to achieve this object.

NEW DELHI;

The 13th March, 1967.

ANNASAHIB P. SHINDE.

S. L. SHAKDHER,

Secretary.